

# **Fisheries Regulatory & Legislative Update, April 16, 2010**

## **New Regulations:**

### **Catch and Release Striped Bass Recreational Season (Effective 3/22/10)**

- Lists restrictions for anglers in striped bass catch and release areas between March 1 through third Friday of April including:
  - Prohibit stinger hooks
  - Require barbless hooks while trolling
  - Require non-offset circle hooks or J hooks with less than ½” gap when using bait
  - Limit number of lines to 6 per boat when trolling

### **Summer Flounder (Emergency – Effective 4/9/10; Proposed – Comment Begins on 4/23/10)**

#### **Recreational**

- Creates a 19 inch size limit for the state. There are no longer different sizes for ocean and bay.
- Changes the recreational season to April 17 through November 22

#### **Commercial**

- Changes commercial hook and line language so that it always mirrors the recreational size limit

### **Weakfish (Emergency –Effective 4/9/10; Permanent - Comment Begins 4/23/10)**

#### **Recreational**

- 1 fish per day creel limit

#### **Commercial**

#### **Atlantic Ocean, its Coastal Bays and their Tidal Tributaries**

- All Gear - Bycatch Only. A person may not catch, possess, or land more than 100 lbs of weakfish per day or trip (whichever is longer). The weight of the weakfish may not exceed the weight of the catch of the other species on board the vessel.

#### **Chesapeake Bay**

- Hook & Line
  - Season – August 1 through September 30
  - A person may not catch, possess, or land more than 50 lbs of weakfish per day or trip (whichever is longer).
  - No bycatch allowed during closure period
- All Other Gears - Bycatch Only. A person may not catch, possess, or land more than 50 lbs of weakfish per day or trip (whichever is longer). The weight of the weakfish may not exceed the weight of the catch of the other species on board the vessel.

## **Proposed Regulations:**

### **Terrapin (Comment Begins on 4/9/10)**

- Regulatory housekeeping package which updates the wildlife and fisheries regulations in order to be in line with the requirements of §4-903 and §4-902. Transfers terrapin management to Wildlife.

### **Snapper/Grouper In need of Conservation (Comment Begins 4/23/10)**

- Adds Snapper and Grouper complex to the in need of conservation regulation
- Creates Snapper/Grouper Regulation
- Establishes recreational creel limit of 1 fish for Grouper, 7 fish for tilefish, and 20 fish for any combination of the remaining species in the Snapper/Grouper complex
- Establishes commercial landing limit of 300 pounds for tilefish and 175 pounds for grouper
- Creates exemption for fishermen with a Golden Tilefish IFQ issued by NMFS

### **Targets (Comment Begins 4/23/10)**

- Correct commercial license targets as required by law

### **Latent Crab License Upgrades (Comment Begins on 5/21/10)**

- Clarifies which individuals with a 'male-only' or 'frozen' Limited Crab Catcher (LCC) license status can upgrade to an unlimited Tidal Fish License (TFL)
- Only those individuals who meet the following requirements by April 6, 2010 will be allowed to use a male-only or frozen LCC license to upgrade to a TFL beginning in the 2011 renewal period:

(1) possess a male-only or frozen LCC and at least two additional commercial fishing authorizations;

(2) possess a male-only or frozen LCC and before April 6, 2010 has entered into the process of acquiring two additional authorizations through the DNR apprenticeship program or through approved permanent or business transfer; or

(3) possess a male-only or frozen LCC and one additional authorization and before April 6, 2010 have entered into the process of acquiring one additional authorization through the DNR apprenticeship program or through approved permanent or business transfer.

### **Shark (Comment Begins on 5/21/10)**

- Removes shark from the list of species that may be taken by spear gun, spear, bow and arrow, and snagging. These methods are listed in the 08.02.05.01 which is titled Methods of Fishing in Tidal Waters.
- These sections were overlooked when we created the new chapter for sharks. The methods in the shark chapter are up to date and consistent with the ASMFC FMP for Atlantic Coastal Sharks.

### **Upcoming Regulations:**

#### **Shellfish Aquaculture & Leasing**

- Create pricing for leases (application fee, rental fees, etc.)
- Create administrative process for applying for leases and aquaculture permits
- Create public shellfish areas and new sanctuaries
- Correct management plan to accommodate changes in leasing on non-NOBs

### **Public Notices**

#### **Summer Flounder Commercial Fishery Restrictions (4/12/10)**

- April 12, 2010 through December 31, 2010, a commercial licensee may not catch, possess, or land more than 100 pounds of summer flounder per day from the Atlantic Ocean, its coastal bays, and their tributaries unless in possession of a Maryland summer flounder landing permit; and 25 pounds of summer flounder per day from the Chesapeake Bay and its tidal tributaries.

## **2010 Fisheries Legislation Summary**

### **SB 3 - Environment - Wetlands and Waterways Program Fees – Aquaculture (CROSSFILE HB 89) – PASSED**

The bill, as amended, exempts aquaculture activities permitted under 4-11A-02 by the Department of Natural Resources from application fees for wetlands and waterways authorizations issued by the Department of the Environment and requiring the Aquaculture Coordinating Council to report certain information to the Department of Environment on or before October 1, 2013.

### **SB 29 - Department of Natural Resources - Preparation of Fishery Management Plans – Authority – PASSED**

The bill, as amended, gives the Department authority to create fishery management plans without the need to annually amend §4-215 to add each species to the list of managed species and would require the Department to address overfishing when data shows that this is an issue and consult with the Tidal and Sport Fisheries Advisory Commissions.

### **SB 33 - Natural Resources - Right to Hunt, Fish, and Harvest Wild Game (First Reading - Unfavorable Report) - Senate Budget and Taxation - FAILED**

This bill would provide a Maryland constitutional amendment guaranteeing the right to hunt, fish or harvest wild game subject to current regulations and restrictions.

### **SB 37 - Department of Natural Resources - Oysters - Patent Tongs and Power Dredges (First Reading - Hearing on 1/19/10, 1pm – No Action) Senate Education, Health, and Environmental Affairs – FAILED**

This bill would limit the Department's authority to regulate oyster and clam areas for use of patent tongs and dredges.

### **SB 84 - Tidal Fisheries Advisory Commission - Sport Fisheries Advisory Commission – Membership – PASSED**

The bill, as amended, allows for staggered reappointments of membership of the Tidal and Sport Fisheries Advisory Commissions, requires geographic diversity based on the industry's location, and adds three members to the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission.

### **SB 222 Oyster Sanctuaries - Authority to Designate (First Reading – Hearing on 3/9/10, 1pm – No Action) Senate Education, Health, and Environmental Affairs – FAILED**

The bill removes the Department's authority to create oyster sanctuaries as specified under the existing 2004 Oyster Management Plan. The bill requires oyster sanctuaries to be created by statute.

### **SB 342 - Natural Resources – Oyster Poaching – Hearing (First Reading in House – Hearing 4/7/10, 1pm – No Action) House Environmental Matters - FAILED**

The bill, as amended, would require the Department of Natural Resources to revoke a tidal fish license for commercial oyster harvesting under certain circumstances including taking oysters from closed or prohibited areas, with illegal gear, at prohibited times, during closed seasons, or from a leased area by a person other than the leaseholder. Under the legislation, if a tidal fish licensee receives a citation for one of these offenses, the Department must hold a hearing, in accordance with the Administrative Procedure Act (APA), within 60 days after issuing the citation. If the presiding officer finds or concludes that the licensee knowingly committed the offense, the Department must revoke the licensee's tidal fish license for commercial oyster harvesting. The legislation authorizes judicial review of decisions from the hearing. The bill, as amended, would also prohibit the Department from designating new oyster sanctuaries until April 1, 2011.

**SB 422 - Dorchester County – Choptank River – Soft-Shell Clam Harvesting – PASSED**

The bill allows soft-shell clams to be harvested with a hydraulic clam dredge in the Dorchester County portion of the Choptank River during the waterfowl season and would close clam dredging to the east of this area. This area is currently closed to hydraulic clam dredging prior to and during the waterfowl season.

**SB 808 - County Oyster Committees – Public Shellfish Fishery Area – Power Dredging (CROSSFILE HB 284) (First Reading – Unfavorable Report) Senate Education, Health, and Environmental Affairs- FAILED**

The bill would require that County Oyster Committees may authorize the use of power dredges in public shellfish fishery areas within their county waters at times and specific locations as determined by such committees.

**SB 809 - Natural Resources – Designation of Oyster Sanctuaries – Prohibition (First Reading – Unfavorable Report) Senate Education, Health, and Environmental Affairs- FAILED**

The bill removes the Department's authority through October 1, 2011 to designate new oyster sanctuaries as specified under the existing 2004 Oyster Management Plan created under Natural Resources Article, §4-215.

**SB 987 – Natural Resources – Conservation Law Enforcement Act of 2010 – PASSED**

The bill, as amended, authorizes the Department of Natural Resources to include recommendations in certain reports and to submit these reports to the Governor and the General Assembly; establishes responsibilities of the Natural Resources Police Force; establishes and provides for a certain commemorative lifetime hunting license; encourages the Department to conduct a study to identify measures which would make the Natural Resources Police more effective; report these findings by Oct. 1, 2011; encourages the Governor to increase public awareness and reliance on the Natural Resources Police Force reserve officers; and provides that the General Assembly encourages the National Fish and Wildlife Foundation to distribute to the Department, for the purposes of conservation law enforcement, any funds the foundation receives from the United States Department of Justice as fines or penalties resulting from federal convictions of game violations in the State.

**SB 1096 Natural Resources – Fishery Management Reform Act – Task Force and Sunset Repeal (First Reading – Hearing 3/30/10, 1pm – No Action) Senate Education, Health, and Environmental Affairs- FAILED**

The bill would extend the sunset provisions for license fees established under Chapter 217 of the 2007 Maryland General Assembly (which are currently set to expire on June 30, 2010, through to December 31, 2010). This change is necessary to avoid angler confusion and prevent recreational license fees from changing mid-way through the fishing season. All other license structure and fee changes would take effect on January 1, 2011 in order to comply with new federal angler registry requirements. SB 1096 also repeals the Task Force on Fishery Management because it has completed its assigned work.

**HB 89 Environment – Wetlands and Waterways Program Fees – Aquaculture (CROSSFILE SB 3) – PASSED**

The bill, as amended, exempts aquaculture activities permitted under 4-11A-02 by the Department of Natural Resources from application fees for wetlands and waterways authorizations issued by the Department of the Environment and requiring the Aquaculture Coordinating Council to report certain information to the Department of Environment on or before October 1, 2013.

**HB 98 Department of Natural Resources – Tidal Fish Licenses – Transfer and Suspension – PASSED**

The bill, as amended, prohibits a temporary transfer of a tidal fish license to an individual convicted of violating a commercial fishing law during the individual's period of license suspension. The legislation further defines

convicted to clarify that the Department may suspend a tidal fish licensee who is convicted, found guilty, or pleads guilty to any state or federal fisheries law. In order to implement the intent of the legislation, House Bill 98 authorizes the Department of Natural Resources, in consultation with the Tidal Fisheries and Sport Fisheries Advisory Commissions, to adopt regulations to suspend and revoke tidal fish licenses for the conviction of a serious state or federal commercial fisheries law.

**HB 154 Patuxent River - Oysters - Use of Patent Tongs** (First Reading Hearing on 2/19/10, 1pm – No Action) House Environmental Matters- **FAILED**

The bill would expand an area in the Patuxent River where a person may use patent tongs to catch oysters. The expanded area would add approximately five square miles of patent tonging area.

**HB 218 Natural Resources – Oysters – Dredge Devices – PASSED**

The bill, as amended, removes a prohibition on the use of "devil divers" or "devil catchers." This gear weights a dredge so that the gear is more effective in harvesting oysters.

**HB 284 County Oyster Committees – Public Shellfish Fishery Area – Power Dredging (CROSSFILE SB 808)** (First Reader – Unfavorable Report) House Environmental Matters- **FAILED**

The bill would allow County Oyster Committees to authorize the use of power dredges in public shellfish fishery areas adjacent to their county at times and specific locations as determined by such committees.

**HB 303 Natural Resources – Oyster Harvest – Closure of State Waters** (First Reading – Unfavorable Report) House Environmental Matters- **FAILED**

The bill would allow oyster harvesting unless the Department determines that a specific water area must be closed for public safety or homeland security or otherwise required by law. The bill authorizes the Department to manage tidal water resources to support and enhance oyster harvesting and minimize net loss of tidal waters available for oyster harvesting or of available oyster harvest authorizations. The bill requires the Department to submit an annual report to the General Assembly, which describes the locations and reasons for closures of tidal water oyster harvest areas and the corresponding areas opened to such harvest.

**HB 673 - Hunting and Fishing - Veterans - Complimentary Licenses** (First Reading – Unfavorable Report) House Environmental Matters- **FAILED**

The bill would require the Department to issue complimentary lifetime hunting and fishing licenses to all veterans.

**HB 689 - Natural Resources – POWs and Disabled Veterans – Exception to Trout Stamp Requirement – PASSED**

The bill adds an exemption to the requirement to purchase a trout stamp for former prisoners of war and 100% disabled veterans. The Department currently allows these individuals to receive complimentary lifetime nontidal and tidal fishing licenses.

**HB 1059 – Dorchester County – Choptank River – Soft–Shell Clam Harvesting (CROSSFILE SB 422) – PASSED**

The bill allows soft-shell clams to be harvested with a hydraulic clam dredge in the Dorchester County portion of the Choptank River during the waterfowl season and would close clam dredging to the east of this area. This area is currently closed to hydraulic clam dredging prior to and during the waterfowl season.

**HB 1158 - Natural Resources – Commercial Finfish – Bycatch** (First Reading- Hearing on 3/5/10, 1pm – No Action) House Environmental Matters- **FAILED**

The bill would allow a commercial tidal fish licensee to possess a bycatch of finfish of less than legal size not to exceed 5% of the total number of that species possessed.

**HB 1172 – Natural Resources – Oyster Dredging – Cecil, Kent, and Queen Anne’s Counties**  
(First Reading – Unfavorable Report) House Environmental Matters- **FAILED**

The bill would permit the harvest of oysters by dredge in all of the county waters in Kent, Cecil, and Queen Anne's Counties. The bill has a sunset provision after a period 5 years and, at the end of September 30, 2015.

**HB 1191 – Natural Resources – Oyster Poaching – Hearing (CROSSFILE SB 342)** (Third Reader Passed House; First Reader in Senate – No Action) Senate Education, Health, and Environmental Affairs- **FAILED**

The bill, as amended, allows the Department to revoke a commercial tidal fish license if that licensee is issued a citation for taking oysters more than 200 feet within a closed or prohibited area, using oyster gear that is prohibited in that area, harvesting oysters outside of a legal time or season by more than one hour, and taking oysters from a leased area by person other than the leaseholder or leaseholder’s designee. Under the legislation, if a tidal fish licensee receives a citation for one of these offenses, the Department must hold a hearing, in accordance with the Administrative Procedure Act (APA), within 60 days after issuing the citation. If the presiding officer finds or concludes that the licensee knowingly committed the offense, the Department must revoke the licensee’s tidal fish license for commercial oyster harvesting. The legislation authorizes judicial review of decisions from the hearing.

**HB 1345 – Recreational Fishing Licenses – Licensing and Registration – PASSED**

HB 1345 would improve existing licensing structure and enable the Department to meet the requirements of the federal Angler Registry. The proposed legislation would 1) establish a free registration for persons fishing aboard a pleasure boat, waterfront property owners and their immediate family fishing from their property and individuals fishing in a free fishing area; 2) change certain non-resident fishing license costs (\$10 for a non-resident trout stamp, \$12 for a 7 day tidal non-resident license, \$22.50 for a non-resident tidal license); 3) increase the length of short term licenses from 5 to 7 days; 4) create a single recreational fishing license for tidal waters of the State, and require Atlantic coastal anglers to purchase a license; 5) correct references to the Chesapeake Bay sport fishing license; and 6) add a Commercial Pier License which will allow individuals to fish for free from a licensed commercial pier which records contact information from anglers. The legislation also extends the sunset provisions for license fees established under Chapter 217 of the 2007 Maryland General Assembly (which are currently set to expire on June 30, 2010, through to December 31, 2010). This change is necessary to avoid angler confusion and prevent recreational license fees from changing mid-way through the fishing season. All other license structure and fee changes would take effect on January 1, 2011 in order to comply with new federal angler registry requirements.

**HB 1525 Natural Resources – Oysters – Fishery Management Plan and Sanctuaries** (First Reading – Unfavorable Report) House Environmental Matters - **FAILED**

The bill would require that a fishery management plan for oysters include additional objectives and conservation and management measures. The bill also requires the Department of Natural Resources to prohibit by regulation the harvest or attempted harvest of oysters from waters of the State until the Department has adopted all the required criteria in a fishery management plan. The bill also requires the Department to adopt by regulation oyster sanctuaries that cover at least 50% of the unleased available oyster habitat in the Chesapeake Bay including those areas already designated as sanctuary by law.

**HB 1561 Natural Resources - Crab Pots – Requirements** (First Reading – Unfavorable Report) House Environmental Matters - **FAILED**

The bill would require that new crab pots used for commercial purposes be biodegradable or have a biodegradable escape panel to allow crabs and other marine organisms to escape from the pot if it is lost or abandoned.